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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

TRANSCRIPT OF SENTENCING - DAY ONE
BEFORE THE HONORABLE JOSEPH A. DICLERICO

APPEARANCES:

For the Government: Helen W. Fitzgibbon, AUSA
U.S. Attorney's Office

For the Defendant: Dorothy Graham, Esq.
Federal Defenders Office

Probation: Theresa Duncan

Court Reporter: Susan M. Bateman, LCR, RPR, CRR
Official Court Reporter
United States District Court
55 Pleasant Street
Concord, NH 03301
(603) 225-1453

P R O C E E D I N G S

THE CLERK: The Court has before it for consideration today a sentencing hearing in criminal case 18-CR-110-01-JD, United States versus Zachary Benoit.

THE COURT: Good morning.

MS. GRAHAM: Good morning.

THE COURT: I gather, Ms. Graham, that you filed this supplemental memo last evening?

MS. GRAHAM: I did.

THE COURT: And it just came across my desk this morning so I really haven't had a chance to review and study the issues that you've raised, which are important issues, and the probation department should have the opportunity to look over these matters, as should the government.

MS. GRAHAM: I understand. I apologize.

THE COURT: That's all right. You're all very busy. I understand that.

So I propose to continue the sentencing so that everybody can review the issues that you've raised and have an opportunity to address them.

And perhaps you may be able to resolve some of these issues, or at least narrow the issues, when probation and the government looks them over and looks at the cases you've cited. So you may be able to resolve some or all of these.

1 MS. GRAHAM: I understand.

2 Your Honor, the one question I would have for the
3 Court, and I guess I could direct this to probation, is that
4 my client just dropped off his electronic monitoring this
5 morning. So I'm not sure if that needs to be reinstated.

6 MS. DUNCAN: Yes, it would.

7 THE COURT: Yes. It will probably be several
8 weeks.

9 Mr. Benoit, do you understand that you are still
10 subject to all of the conditions of bail?

11 THE DEFENDANT: Yes.

12 THE COURT: And that you must continue to comply
13 with those or you could be detained pending your sentencing.
14 Do you understand that?

15 THE DEFENDANT: Yes, I do, your Honor.

16 THE COURT: And you understand that you have an
17 obligation to appear for your sentencing when that is
18 rescheduled?

19 THE DEFENDANT: Yes.

20 THE COURT: All right.

21 MS. FITZGIBBON: Your Honor, just one thing,
22 please.

23 There's also the outstanding issue of a hearing on
24 restitution. So perhaps we could then schedule one hearing
25 so that we do resolve all the issues in one day on the day of

1 final sentencing. I don't know if that hearing has been set
2 or not, your Honor. I'm sorry. I forget.

3 THE COURT: I don't think it has. To the extent
4 you can work that all out and schedule it together, fine.
5 Otherwise, we'll have a restitution hearing within 90 days of
6 the sentencing.

7 MS. FITZGIBBON: Okay.

8 THE COURT: All right.

9 MS. DUNCAN: Thank you, your Honor.

10 (Conclusion of hearing at 10:08 a.m.)

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1 C E R T I F I C A T E
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34 I, Susan M. Bateman, do hereby certify that the
5 foregoing transcript is a true and accurate
6 transcription of the within proceedings, to the best of
7 my knowledge, skill, ability and belief.8
9
10 Submitted: 5-21-19
11 **SUSAN M. BATEMAN, LCR, RPR, CRR**
12 LICENSED COURT REPORTER, NO. 34
13 STATE OF NEW HAMPSHIRE
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